

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SHARLA LEDBETTER,

Plaintiff,

vs.

Civ. No. 99-314 LH/WWD

DILLARD'S INCORPORATED, a
Foreign Corporation,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter came before the Court for a settlement conference on September 30, 1999, pursuant to an Order previously entered by the Court. Plaintiff did not appear for the settlement conference, and she had not been excused from attending the settlement conference. Plaintiff's counsel did not have authority to act for Plaintiff, and Plaintiff's counsel was unable to contact Plaintiff by telephone during the conference. Plaintiff's conduct in failing to appear or to give authority to settle to her counsel precluded any chance of negotiating toward a settlement. In these circumstances, Plaintiff should pay to Defendant the legal fees incurred by Defendant in attending the aforementioned settlement conference as well as the expense incurred by Defendant's representative in traveling from Santa Fe to Albuquerque and back to attend the scheduled settlement conference.

WHEREFORE,

IT IS ORDERED that on or before October 15, 1999, defense counsel shall submit to the Court an itemized statement of the attorney fees incurred by Defendant as well as the mileage expense involved in the travel aforementioned.


UNITED STATES MAGISTRATE JUDGE